

**Amendments to the Drawings:**

Please substitute the attached seven sheets (Figs. 1-14) of formal drawings for the drawings originally filed with the application.

## REMARKS

This Reply is in response to the Office Action mailed on September 22, 2006 in which claims 1-39 were rejected. With this response, the drawings and the specification are amended to correct noted inadvertent errors. Claim 37 is canceled with its limitations incorporated into claim 32. In addition, claims 1, 19, 21, 22, 25, 32 are amended and claim 40 is added. Claims 1-36 and 38-40 are presented for reconsideration and allowance.

### I. Examiner Interview Summary

On December 18, 2006, a telephone interview was held between Examiner's Kaplan and Applicants' attorney, Todd A. Rathe. With respect to the Office Action's objection to the specification for not containing a brief summary of the invention, Applicants noted that a summary of the invention is not required but is only suggested. With respect to the Office Action's assertion that the specification is not enabling allegedly because one of ordinary skill in the art would not know what a printer service station is, Applicants respectfully noted that those of ordinary skill in the art with respect to printers know and understand what is a printer service station, especially in light of the fact that the specification recites wiping and capping as example servicing operations.

With respect to the rejection of claim 1 based on Muz US Patent 5,610,379, Applicants noted that rocker 14 of Muz cannot be characterized as the "switch actuation mechanism" because it is part of what is already characterized as the "switch" 5. Applicants further noted that Muz actually discloses what one of ordinary skill in the art would consider as two, not one, switches. In fact, Muz specifically refers to its "switch" 5 as including two switches (see column 2, lines 10-15). Accordingly, Applicants noted that neither individual switch of Muz is configured such that successive actuations of the individual switch actuate the device between a first state and a second state. In response, the Examiner indicated that the rejection could alternatively be maintained by characterizing buttons 4 as the switch actuation mechanism.

Although no agreement was reached with respect to the rejection of claim 1 based upon Muz, Applicants wish to thank Examiner Kaplan for the opportunity to discuss the rejections.

II. Objection to the Specification

Section 1 made several objections to typographical errors in the Specification. In response, each of the noted errors has been corrected. In particular, Paragraphs 24, 28, 30, 33, 36 and 37 have been amended as suggested in the Office Action. With respect to Paragraph 29, Applicants replaced the phrase "actuation surface 348" with -- actuation surface 338 --. With respect to Paragraph 37, Applicants corrected the reference to Figure 14 to alternatively refer to Figure 13.

Section 2 of the Office Action asserted that the specification is not sufficiently enabling by alleging that one of ordinary skill in the art would not understand what is a printer service station. Applicants respectfully note that one of ordinary skill in the art would understand what is a printer service station. Moreover, the specification in Paragraph [0031] specifically recites that such a service station number 428 is known and is configured to perform servicing operations upon tens 426 between printing operations. The specification also recites examples of such service operations including wiping and capping.

Section 3 of the Office Action objected to the specification as not containing a brief summary of the invention. Applicants respectfully note that the summary of the invention is not required. Accordingly, Applicants respectfully request that each of the aforementioned objections to the specification be withdrawn in light of the above comments and the noted amendments.

III. Objection to Drawings

Sections 4 and 5 of the Office Action objected to the drawings noting that several reference numerals mentioned in the description or not shown in the Figures. In response, the

figures are amended to add each of the noted missing reference numerals. Figure 4 is further amended such that reference numeral 362 refers to the correct part.

Section 6 of the Office Action objected to the drawings noting that reference numeral fire need to shown in Figures 9 and 11 is not mentioned in the description. In response, Paragraph [0034] is amended to add reference numeral 582. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

#### IV. Claim Objections

Section 7 of the Office Action objected to claims 19, 21, 24, 32 and 35, noting several informalities. Claims 19, 32 and 35, have been amended as suggested in the Office Action. With respect to the objection to claims 21 and 24, Applicants respectfully note that such claims are correct as discussed below with respect to the rejection of such claims under 35 USC Section 112. Accordingly, Applicants respectfully request that the objection to the claims be withdrawn.

#### V. Double Patenting

Section 8 of the Office Action asserted that should claims 1, 20 and 21 be found allowable, claims 22, 23 and 24, respectively, will be objected to under 37 CFR 1.75 as being substantial duplicates thereof. Applicants respectfully note that claims 22, 23 and 24 are not substantial duplicates of claims 1, 20 and 21. In contrast to claims 1, 20 and 21, claims 22, 23 and 24 are means plus function claims filed pursuant to 35 USC section 112, 6 paragraph.

In making the noted objection, the Office Action referred to MPEP 706.03(k). However, Applicants respectfully note that this same section of the MPEP makes clear that "court decisions have confirmed applicant's right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed, a mere difference and scope between claims has been held to be enough." The use of means plus function claims in addition to apparatus claims does not result in an unreasonable number of claims. Moreover, means plus function claims clearly have a

different scope as compared to apparatus claims. Accordingly, Applicants respectfully request that the objection be withdrawn.

VI. Rejection of Claims 21 and 24 under 35 USC Section 112, First Paragraph

Section 10 of the Office Action rejected claims 21 and 24 under 35 USC Section 112, First Paragraph by asserting that the claims contain subject matter which is not described in the specification in such a way to enable one skilled in the art to use the invention.

In response, claims 21 and 24 are each amended to clarify that the third input is in lieu of the second input. Applicants respectfully note that the limitations recited in claim 21 and 24 are specifically found in the Specification in Paragraph [0020] which states that "in the particular embodiment, switch 26 is also actuated the second time in response to a third input identical to the first input but for the time at which it is performed." In other words, instead of providing the first input to actuate the switch a first time and a second distinct input to actuate the switch a second time, a person may alternatively provide the first input to actuate the switch the first time and a third input, identical to the first input, to actuate the switch the second time. The Specification clearly illustrates embodiments supporting such claimed limitations. For example, Figure 4 illustrates an embodiment wherein switch 26 may be actuated successively by either (a) alternately depressing surfaces 354 and 356 or (b) depressing just one of surfaces 354 and 356 twice in succession. Accordingly, claims 21 and 24, as amended, overcome the rejection under 35 USC Section 112, first paragraph.

VII. Rejection of Claims 1-31 under 35 USC 112, Second Paragraph

Sections 12 and 13 of the Office Action rejected claims 1-31 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action asserts that the phrase "the second input has at least one characteristic distinct from the first input" renders claims 1, 22 and 25 indefinite and refers to MPEP 2173.05(d). The Office Action further asserts

that "it appears that the switch actuation mechanism to actuate the switch only in response to a button being pressed, so there is no other characteristic a second input can half on which actuation with which can be based. The only possible difference from the first input is a time at which it is performed".

During the Examiner Interview held on December 18, 2006, the Examiner suggested that the specification be amended to clarify examples of such distinct inputs. In response, claims 1, 22 and 25 are amended to clarify that such inputs are manual inputs. As one of ordinary skill in the art knows, a manual input is input entered by a person's hand or hands. Therefore, manual inputs having distinct characteristics would be distinct actions or movements of a person's hand or hands to input commands, instructions or requests via controls of a device. To further clarify the meaning of these claimed limitations, Paragraph [0021] is amended to clarify that the different actions described in the specification, pressing two buttons or sliding a member in two directions as recited in Paragraph [0020], are examples of manual inputs having distinct characteristics. Accordingly, Applicants respectfully request that the rejection of claims 1-31 under 35 USC 112, second paragraph, be withdrawn.

VIII. Rejection of Claims 1-8, 18-28, 30 and 31 under 35 USC 103(a) Based upon Muz and Downing

Section 17 of the Office Action rejected claims 1-8, 18-28, 30 and 31 under 35 USC 103(a) as being unpatentable over Muz et al. US Patent 5,610,379 in view of Downing et al. US Patent 6,075,925. Claims 1-8, 18-28, 30 and 31, as amended, overcome the rejection based upon Muz and Downing.

A. Claim 1

Claim 1, as amended, recites an electronic device which includes a switch configured such that successive actuations of the switch actuate the device between a first state and a second state. The electronic device further includes a switch actuation mechanism configured to actuate

against a portion of the switch a first time in response to a first manual input along the face and to actuate against the same portion of the switch a second time in response to a second manual input, wherein the second input has at least one characteristic, other than time at which it is performed, distinct from the first input.

Neither Muz nor Downing, alone or in combination, disclose or suggest an electronic device having a switch actuation mechanism configured to actuate against a portion of the switch a first time in response to a first manual input along the face and to actuate against the same portion of the switch a second time in response to a second manual input, wherein the second input has at least one characteristic, other than time at which it is performed, distinct from the first input. In contrast, but does 4 (characterized by the Office Action as the switch actuation mechanism) actuate against distinct portions of “switch” 5. Accordingly, claim 1, as amended, overcomes the rejection. Claims 2-8 and 18-21 depend from claim 1 and overcome the rejection for the same reasons.

B. Claims 22 and 25

Claim 22 recites a switch configured such that successive actuations of the switch that are identical other than time at which they are performed, actuate the device between a first state and a second state and means along the face of actuating a switch a first time using a first input and a second time using a second input having at least one characteristic, other than the time at which it is formed, distinct from the first input.

Claim 25 recites a method for actuating an electronic device. The method includes providing a switch configured such that successive actuations of the switch that are identical other than time at which they are performed to actuate the device between a first state and a second state. The method further includes applying a first input to actuate the switch a first time and applying a second input to actuate the switch a second time, wherein the second input has at least one characteristic, other than the time it which it is performed, that is distinct from the first input.

Neither Muz nor Downing, alone or in combination, disclose or suggest an electronic device or a method (1) wherein a switch is configured such that successive actuations of the switch that are identical other than the time which they are performed to actuate the device between a first state and a second state and (2) wherein the switch is successively actuated a first time and a second time using a first input and a second input having at least one distinct characteristic. In contrast, Muz merely discloses two distinct switches: a first switch provided by a first pair of contacts 10, 15 and a second switch provided by a second pair of contacts 10, 15. Nowhere does Muz disclose that successive actuations of the first switch 10, 15 (on the left in Figure 2) actuates the device between two states. Likewise, nowhere does Muz disclose that successive actuations of the second switch (on the right in Figure 2) actuates the device between two states.

During the Examiner Interview held on December 18 count 2006, the Examiner alternatively characterized the entire structure 5 as a "switch" and characterized buttons 4 as the switch actuation mechanism. However, this alternative characterization to the disclosure of Muz also fails to disclose a switch "configured such that successive actuations that are identical other than the time in which they are performed actually to device between the first state and a second state." In contrast, to actuate the device between two distinct states, distinct actuations of the switch 5 must be performed. To actuate the device to a first date, the left pair of contacts 10, 15 must be depressed. To actuate device to the second state, the right pair of contacts 10, 15 must be depressed. Nowhere does Muz disclose that two states of the device may be achieved with successive identical actuations of a switch 5.

Downing fails to satisfy the deficiencies of Muz. Downing is merely discloses a control panel for an imaging forming device having distinct pushbuttons or switches. Nowhere does Downing disclose an electronic device or a method wherein the successive distinct inputs successively and identically actuate a switch to achieve two states for the electronic device. Accordingly, claims 22 and 25, as amended, overcome the rejection based upon Muz and



Downing. Claims 23-24 and claims 26-28, 30 and 31 depend from claims 22 and 25, respectively, and overcome the rejection for the same reasons.

IX. Rejection of claims 9-13 under 35 USC 103(a) based upon Muz, Downing and Parks

Section 18 of the Office Action rejected claims 9-13 under 35 USC 103(a) as being unpatentable over Muz et al. US Patent 5,610,379 in view of Downing et al. US Patent 6,075,925 and further in view of Parks et al. US Patent 5,877,746. Claims 9-13 depend from claim 1 and overcome the rejection for the same reasons discussed above with respect to claim 1. Parks fails to satisfy the deficiencies of Muz and Downing.

X. Rejection of claims 14-16 under 35 USC 103(a) based upon Muz, Downing and Heydner

Section 19 of the Office Action rejected claims 14-16 under 35 USC 103(a) as being unpatentable over Muz et al. US Patent 5,610,379 in view of Downing et al. US Patent 6,075,925 and further in view of Heydner et al. US Patent 5,558,211. Claims 14-16 depend from claim 1 and overcome the rejection for the same reasons discussed above with respect to claim 1. Heydner fails to satisfy the deficiencies of Muz and Downing.

XI. Rejection of claims 17 and 29 under 35 USC 103(a) based upon Muz, Downing and Feaster

Section 20 of the Office Action rejected claims 17 and 29 under 35 USC 103(a) as being unpatentable over Muz et al. US Patent 5,610,379 in view of Downing et al. US Patent 6,075,925 and further in view of Feaster US Patent 4,191,867. Claims 17 and 29 depend from claims 1 and 25, respectively, and overcome the rejection for the same reasons discussed above with respect to claims 1 and 25. Feaster fails to satisfy the deficiencies of Muz and Downing.

XII. Rejection of claims 32-34, 36 and 38 under 35 USC 103(a) based upon Muz, Downing and Mori

Section 21 of the Office Action rejected claims 32-34, 36 and 38 under 35 USC 103(a) as being unpatentable over Muz et al. US Patent 5,610,379 in view of Downing et al. US Patent 6,075,925 and further in view of Mori et al. US Patent 6,337,961. With this response, claim 32 is amended to incorporate the limitations of former depending claim 37.

Claim 32, as amended, recites an image forming device having a switch configured such that successive actuations of the switch actually tension between the first state in the second state, a first movable input surface configured to successively actuate the switch and a second movable inputs is configured to successively actuate the switch. The first movable input surface and the second movable input surface are rigidly coupled to one another. As a result, movement of the first movable input surface also results in movement of the second movable input surface.

Neither Muz, Downing nor Mori, alone or in combination, disclose or suggest first and second movable input surfaces that are rigidly coupled to one another at successively actuate a switch to actuate an image forming engine between first and second states. The pushbuttons 4 of Muz are not rigidly coupled to one another. Likewise, pushbuttons 11-16 of Downing are not disclose as being rigidly coupled to one another. Likewise, Mori does not disclose to movable input surfaces that are rigidly coupled to one another. Accordingly, claim 32, as amended to incorporate the limitations of former claim 37, overcome the rejection.

In rejecting former claim 37, the Office Action attempted to rely upon Heydner by asserting that input surfaces 9, 109 are rigidly coupled to one another via a hinge shaft 27, 127 and extension 26. Such characterization of Heydner ignores the claim limitation "rigidly". The "hinge shaft" of Heydner clearly hinge or pivot and are therefore not rigid. For example, one would not consider a person's forearm being rigidly coupled to the person's upper arm by his or her elbow.

Moreover, in rejecting former claim 37, which is now substantially identical to presently pending claim 32, the Office Action failed to cite any motivation which would lead one of ordinary skill in the art to modify the hypothetical combination of Muz, Downing and Mori further based upon the teachings of Heydner. Even assuming, arguendo, that Heydner did disclose to input surfaces rigidly coupled to one another, the Office Action failed to establish even a prima facie case of obviousness as to why one of ordinary skill in the art would somehow selectively combine each of the four references to meet the limitations of claim 32. Accordingly, claim 32, as amended, is believed to be patentably distinct over the prior art of record. Claims 33-34, 36 and 38 depend from claim 32 and overcome the rejection for the same reasons.

XIII. Rejection of claim 35 under 35 USC 103(a) based upon Muz, Downing and Feaster

Section 22 of the Office Action rejected claim 35 under 35 USC 103(a) as being unpatentable over Muz et al. US Patent 5,610,379 in view of Downing et al. US Patent 6,075,925 and further in view of Feaster US Patent 4,191,867. Claim 35 depends reclaim 32 and overcome the rejection for the same reasons discussed above with respect to claim 32. Feaster fails to satisfy the deficiencies of Muz, Downing and Heydner.

XIV. Rejection of claim 37 under 35 USC 103(a) based upon Muz, Downing and Mori

Section 23 of the Office Action rejected claim 37 under 35 USC 103(a) as being unpatentable over Muz et al. US Patent 5,610,379 in view of Downing et al. US Patent 6,075,925 and further in view of Mori et al. US Patent 6,337,961. Claim 37 is canceled, rendering the rejection moot.

XV. Rejection of claim 39 under 35 USC 103(a) based upon Muz, Downing, Parks and Mori

Section 24 of the Office Action rejected claim 35 under 35 USC 103(a) as being unpatentable over Muz et al. US Patent 5,610,379 in view of Downing et al. US Patent

6,075,925, further in view of Parks et al. US Patent 5,877,746 and further in view of Mori et al. US Patent 6,337,961. Claim 35 depends from claim 32 and overcomes the rejection for the same reasons discussed above with respect to claim 32. Parks fails to satisfy the deficiencies of Muz, Downing, and Mori.

Moreover, the Office Action has failed to establish a prima facie case of obviousness with regard to claim 39. In rejecting claim 39, the Office Action merely states:

Muz in view of Downing, Parks, and Mori disclose all of the claimed features as set forth above.

(Office Action, pg. 13). Even assuming, arguendo, that each reference did disclose each of the claimed features, the Office Action has failed to provide any citation to any motivation provided in references themselves or any other motivation for combining the references so as to result in the image forming device of claim 39. Thus, the rejection of claim 39 is improper and should be withdrawn.

#### XVI. Added Claim

With this response, claim 40 is added. Claim 40 depends from claim 1 and recites that the switch includes a resilient depressible actuator, wherein a same portion of the actuator is depressed in response to both the first input and the second input. Support for added claim 40 may be found in at least Paragraph [0022] and in this Figures 3 and 4. Thus, no new matter is believed to be added.

The prior art of record fails to disclose a resilient depressible actuator having a same portion that is depressed in response to both the first input and the second input. For example, even assuming, arguendo, that contact elements 15 could be characterized as the actuator, distinct portions of the contact elements 15 are depressed to achieve different states for the device. Accordingly, claim 40 is presented for consideration and allowance.

#### XVII. Conclusion

After amending the claims as set forth above, claims 1-36 and 38-40 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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